

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN DILLON,

Plaintiff,

v.

ALLSTATE FIRE AND CASUALTY  
INSURANCE COMPANY,

Defendant.

Case No. C22-5339-RSM-TLF

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Judge Theresa L. Fricke, United States Magistrate Judge, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) the Court adopts the Report and Recommendation, Dkt. #23;
- (2) Defendant's Motion to Dismiss, Dkt. #5, is GRANTED IN PART; and
- (3) Plaintiff's Consumer Protection Act claims against Defendant are DISMISSED with prejudice as to any acts or omissions that occurred outside the statute of limitations period, and for which the statute of limitations has not been tolled. If Plaintiff chooses to pursue claims regarding any acts or omissions that occurred within the statute of limitations, or claims for which the statute of limitations may have been

1 tolled, the lawsuit may go forward if plaintiff either obtains Defendant's consent to a  
2 motion to amend the complaint, or the Court grants leave to amend. If Plaintiff fails  
3 to file a stipulation or motion within 30 days, this case will be closed.  
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5 DATED this 22<sup>nd</sup> day of August, 2022.  
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9 RICARDO S. MARTINEZ  
10 CHIEF UNITED STATES DISTRICT JUDGE  
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